

## **RESPONSE TO OFFICE ACTION**

This document responds to the Non-Final Office Action dated July 11, 2008. No new matter has been added. All arguments are made without prejudice or disclaimer.

### **ARGUMENTS**

#### *Status of the Claims*

Claims 13-22, 26-30, and 44-46 are pending. Of these claims, the Examiner has allowed all of the claims except for claim 44, which stands rejected.

#### *Claim 44 Rejection — 35 U.S.C. § 103*

The Examiner has rejected claim 44 as supposedly being unpatentable based on obviousness over the four-way combination of U.S. Patent No. 5,948,477 to Madrzak *et al.* (Madrzak), U.S. Patent No. 4,869,933 to Sollinger *et al.* (Sollinger), U.S. Patent No. 4,102,299 to Wallstén (Wallstén), and U.S. Patent No. 3,486,482 to Hunger (Hunger).

Notably, the wording of Examiner's rejection does not attempt to map specific disclosures in references Wallstén and Hunger to any specific claim or claim elements. This makes it quite difficult for the Applicant to be put on notice as to where the supposed anticipation and/or obviousness lay. As a general proposition, the Applicant respectfully asserts that the Examiner's 35 U.S.C. § 103 rejection lacks the "completeness and clarity" as required by MPEP § 707.07 *et seq.* Accordingly, if the Examiner is not persuaded by the Applicant's arguments herein, then the Applicant respectfully requests that the Examiner indicate precisely what claims and claim elements map to specific disclosures within the cited references.

The Examiner states that the Applicant's argument that Madrzak fails to teach a "return funnel" (which in the claim conducts undeposited coating to a coating tank) is non-persuasive, citing a partial definition from The American Heritage Dictionary of the English Language, Fourth Edition, "Something resembling this utensil in shape," while trying to assert that the collector bin of Madrzak "resembles a funnel structure or funnel-like structure." It is appropriate

to revisit the definition cited by the Examiner in its full context:

- 1a. A *conical utensil* having a small hole or narrow tube at the apex and used to channel the flow of a substance, as into a small-mouthed container.
- b. Something resembling *this* utensil in shape.
2. A shaft, flue, or stack for ventilation or the passage of smoke, especially the smokestack of a ship or locomotive. (Emphasis added.)

The “1b” definition from The American Heritage Dictionary of the English Language cited by the Examiner clearly refers to something resembling the “conical utensil” (from definition “1a”) with a narrow opening at the apex. The Examiner further seems to assert that the collector bin in Madrzak resembles a funnel structure. The single drawing in Madrzak, which is a side view, would lead one ordinarily skilled in the art to believe that the collector bin is somewhat of a tray that narrows significantly on one axis, but not as much, if at all, on its pivoting (width) axis. This interpretation is further supported by the Madrzak specification, Col. 3, Lines 47-49, which states, “The collector bin features, for obvious practical purposes, a shape that resembles a tub, a sink, tube, or something similar.” *Nowhere* is the word “funnel” or anything of the like mentioned when defining the collector bin. To the extent the Examiner might be tempted to interpret “tube” as a funnel, the Applicant respectfully points out that in view of the specification, the reference to a potential tube shape pertains to the shape of the tray-like collector bin. In addition, a “tube” is not a “funnel”, though a tube may be a component of a funnel. Further supporting the Applicant’s position that Madrzak does not teach a “return funnel” is the passage in Madrzak at Column 6, lines 7-16:

The joints of link rods 10 on the support beam 7 and on the common collector bin 5 are located at certain distances to the swivel axes 8 and 9 such that a clockwise angular displacement of the support beam 7 will automatically result in a counter clockwise tilt movement of the common collector bin 5, so that collector bin 5 is emptied. When a drive mechanism, not shown in the figure, causes the support beam 7 to swing downwards it simultaneously causes the common collector bin to be effectively discharged.

In other words, the coating collected in the Madrzak collector bin is not “funneled” out the bottom of said collector bin to a recycling tank; rather, the Madrzak collector bin is pivoted to spill (empty) out its contents.

Once again, the Examiner is invited to concisely explain where the defined features of a

funnel are found in the description of the collector bin in Madrzak. Even if, *arguendo*, the other three references in the Examiner's four-way obviousness rejection somehow teach the other elements, the fact remains that not all of the elements of claim 44 of the present application are taught by the combination cited by the Examiner — there simply is no “return funnel”.

Accordingly, the Applicant respectfully requests that the Examiner withdraw this rejection and allow claim 44.

***Conclusion***

Because of the arguments and evidence contained herein, the Applicant respectfully demands that the only remaining claim rejection (of claim 44) be withdrawn and that a Notice of Allowance be issued for the present patent application.

Respectfully submitted,

---

/s/  
Terrence M. Wyles  
USPTO Reg. No. 61,035